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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/691,456 | 10/22/2003 | Peng Lee | PERSP001C1 | 7336 |
| 21912 | 7590 | 06/29/2004 | EXAMINER | |
| VAN PELT & YI LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014 | | | SAN MARTIN, EDGARDO | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2837 | |

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/691,456

Applicant(s)

LEE, PENG

Examiner

Edgardo San Martin

Art Unit

2837

Am

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-14 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - There is no Brief Description of Figure 6;
 - There is no reference to Figure 6 in the Detailed Description of the Invention.
 - In Claim 3, Line 2 after "air duct from" delete "and" insert - - an - -.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the phrase "an open side configure 0 air from the intake" in line 2. The phrase is unclear as to what it refers and makes the claim indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ewanek (US 5,332,872) in view of Lynn (US 5,856,640).

With respect to claims 1 and 15, Ewanek teaches an acoustic attenuator and method of attenuating sound comprising an intake air duct (Fig.2, Item 10) having an intake air duct opening leading to an outside environment and a blower fan opening (Fig.2, Item 18) leading to a blower fan (Fig.2, Item 14) wherein air is drawn through the intake air duct opening towards the blower fan; and a primary absorbing panel (Fig.2, Item 42) disposed in the air intake duct, the primary absorbing panel being configured to absorb sound propagated from the blower fan away from the intake air duct opening (Col.3, Lines 3 – 21). However, Ewanek fail to disclose wherein it is used reflecting panels instead of absorbing panels.

Nevertheless, Lynn teaches an acoustic attenuator panel comprising a reflecting panel (Fig.2, Item 20; Col.4, Lines 29 - 57).

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to employ the Lynn reflecting panel with or instead of the Ewanek absorbing panel because the reflecting panel would reflect the sound waves

that pass through the absorbent material back into the absorbent material to increase the absorption of sound.

With respect to claim 2, the obvious combination of the patents to Ewanek and Lynn would teach wherein the primary reflecting panel is covered with acoustic absorbing material, as could be appreciated by a person with ordinary skill in the art.

With respect to claims 3 and 5, Ewanek teaches further including a plurality of secondary reflecting panel extending into the intake air duct from an edge of the intake air duct opening so that the sound reflected inside the intake air duct toward the intake air duct opening is reflected back away from the intake air duct opening (Figs.1 and 2, Items 42).

With respect to claim 4, Ewanek teaches further including a secondary reflecting panel extending across the intake air duct opening and into the intake air duct so that the sound reflected inside the intake air duct toward the intake air duct opening is reflected back away from the intake air duct opening (Fig.3).

Allowable Subject Matter

4. Claim 6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
5. Claims 8 – 14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

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- The references of the Prior Art of record fail to teach, or suggest any obvious combination of the limitations discussed above, and further comprising the limitations of **(With respect to claim 8)** an acoustic attenuator module configured to be housed within an intake air duct comprising an open end having sides configured to be attached to the passageway leading from the intake air duct to a blower fan, and an open side configured to allow air from the intake air duct opening to circulate through the module and through the open end to the blower fan.

Conclusion

6. The attached hereto PTO Form 892 lists prior art made of record and not relied upon, the Examiner considered it pertinent to applicant's disclosure.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "E. San Martín".

Edgardo San Martín
Patent Examiner
Art Unit 2837
Class 181
June 26, 2004